

U.S. DISTRICT COURT
454 GOLDEN GATE AVENUE
S.F., CA 94102-3483

FILED

FEB - 4 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *Rm* DEPUTY

DIAZ, GATES, ET AL., PLAINTIFFS,
VS.

CARROLL, NAIMAN, ET AL., DEFENDANTS.

NORTHERN DISTRICT OF CALIFORNIA

08CV0235 BTM (PR)

CASE No: C08-0042 JSW (PR)

MOTION TO CORRECT MISSPELLED NAME AND PROCESS IFP FORMS

(A) TO THE HONORABLE JUDGE; REVIEW COURTS; MEDIA; LAWSUIT ATTORNEYS; ETC.

(B) IN 2007 OCT. 10, MONOZYGOthic (MZ) TWIN Q5 (Q. D. NGUYEN) WAS FALSELY BOOKED AT SAN DIEGO COUNTY JAIL (SDCJ) UNDER THE MISSPELLED NAME OF N. GARRUCHO DUE TO MISCONDUCT BY NM OFFICIALS WHO PARTIALLY CAUSED THE PREVENTABLE 2007 OCT. WILDFIRES. THE CORRECT NAME OF Q4 (THE MZ TWIN OF Q5) IS NOEL GARRUCHA-GALLEGO AS NOTED IN THE CA-DMU RECORDS. Q5 IS FALSELY CHARGED FELONIES SINCE THE \$360 RED CROSS DONATION DISPUTED IS BELOW THE \$400 FELONY AMOUNT, (CPC § 487.1) Q5 HAD PROVED WITH Q3 THAT THEY WERE AT KATRINA'S FLOODS WHILE Q4 WAS AT CDCR FACILITIES USING GPS DATA; MEDIA RECORDS; WITNESSES; MEDICAL DATA; ETC. SO NM JUDGE CANDO-GARCIA SIGNED THEIR RELEASE ORDER. CA-CPT. OLIVAS KIDNAPPING OF Q5 DELAYED Q5 FROM COMPLETING HIS RESEARCH DATA THAT WOULD HAVE PREVENTED THE 2007 WILDFIRES. SO THE HONORABLE JUDGE IS REQUESTED TO ORDER SDCJ TO CORRECT THE MISSPELLED NAME (7775738) TO GARRUCHA-GALLEGO AND PROCESS IFP TRUST ACCOUNT WITHDRAWAL AUTHORIZATION.

(C) THIS MOTION'S SUPPORTS ARE: AUTHORITIES; CHRONOLOGIES; MEMORANDUM OF POINTS AND AUTHORITIES.

Q. D. Nguyen 2008 Jan. 29
MR. Q. D. NGUYEN
RE: N. GARRUCHA-GALLEGO
446 ALTA 7775738 LEGAL
S.O., CA 92158-0129 (B01)

AUTHORITIES: STATUTES AND CASE LAWS

5	USC § 601 (2004 IRATPA)	= INTEL REFORM AND TERRORISM PROTECTION ACT
18	USC § 1(a) (1980 CIPA)	= CLASSIFIED INFORMATION PROTECTION ACT
28	USC § 636(c)(1)	= DISTRICT COURTS MAGISTRATE JUDGE OPTION
28	USC § 1343(a)	= DISTRICT COURTS JURISDICTION STATUTES
28	USC § 1391(b)	= DISTRICT VENUE DETERMINATION STATUTES
28	USC § 1915(a)	= MOTION TO PROCEED VIA IFP STATUTE
28	USC § 1915(a)2	= "INSTITUTIONAL EQUIVALENT" STATUTE
42	USC § 1983	= CIVIL RIGHTS FEDERAL COMPLAINT STATUTE
50	USC § 403; 1803(a) (1978 FISA)	= FOREIGN INTELLIGENCE SURVEILLANCE ACT
50	USC § 921(a)	= CLASSIFIED AGENTS NDA STATUTES
	CCP § 2018 (NDA)	= CODE OF CIVIL PROCEDURES SECTION 2018 CONFIDENTIALITY
	CEC § 952 (NDA)	= CA EVIDENCE CODE SECTION 952 CONFIDENTIALITY
	CPC § 273A1 (ENDANGERMENT)	= CA PENAL CODE SECTION 273A1 MISDEMEANOR WOBBLER
	CPC § 368(d) (THEFT)	= CA PENAL CODE SECTION 368(d) THEFT
	CPC § 470A (FORGERY)	= CA PENAL CODE SECTION 470(A) FORGERY
	CPC § 487.1 (GRAND THEFT)	= CA PENAL CODE SECTION 487.1 THEFT > \$4000
	CPC § 1054.6 (NDA)	= CA PENAL CODE SECTION 1054.6 CONFIDENTIALITY
	CVC § 10851(a) (JOYRIDING)	= CA VEHICLE CODE SECTION 10851(A) GRAND THEFT AUTO
	CARTER V. SUPERIOR COURT (APP. 2 DIST. 2004) 46 CAL RPT. 3d 507; 141 CAL APP 4TH 992 (5 FACTORS)	
	IN RE NEUMAN (APP. 4 DIST. 1976) 139 CAL RPT. 886; 65 CAL APP. 3d 57 (REASONABLE GROUNDS)	
	PEOPLE V. O'DELL (APP. 3 DIST. 2005) 23 CAL RPT. 3d 902; 126 CAL APP. 4TH 962 (14TH AMEND.)	

CHRONOLOGY: CASE HISTORIES

YEAR MON. DAY	WHO	WHAT	WHEN	WHERE	WHY	HOW
1984 May	Q3, Q4, Q5	DoD-ROTC	FALL SEMESTER	SDSU-AROTC	USAR COMMISSION	POTUS R. REAGAN
1984 July	Q3, Q4, Q5	NCB-TS-SCI	NDA-PoA	GLOBAL	CLASSIFIED	PROJECT JUSTICE 2000 (J2K)
1988 Apr. 01	Q4	ARREST (J2K)	PM	CHULA VISTA	SPRING VALLEY CASE	CONSPIRACY BY SDCS
1988 May 10	Q4	DISMISSALS		NCTC DATABASE	2 COUNTS	CDA - LOUIS KATZ
2002 Feb. 25	Q4	ARREST (J2K)	AM	24-HR FITNESS SDCA 92108	SCD 165856	JOYRIDING/GRAND THEFT
2003 May 23	Q4	PLEA BARGAIN		SDCA 92101		
2003 May 23	Q4	SENTENCING		SDCA 92101		
2003 May 29	Q4	CDCR INTAKE		SDCA 92179		
2003	Q4	CDCR PAROLE				
2004 June 08	Q4	ARREST		SDSU (B. KING) SDCA 92182	SCD 182951	FORGERY (8645 CHECK)
2005 Feb. 02	Q4	SENTENCING		SDCA 92101		
2005 Feb. 14	Q4	CDCR INTAKE		SDCA 92179		
2005 Aug.	Q3 & Q5	KATRONA FLOODS		NOLA 70129		
2005 Sep. 03	Q4	CDCR PAROLE		FRCA 93724		
2005 Sep. 15	Q4	A3 ATTACKS		CORONADO BRIDGE SDCA 92101		
2005 Nov. 09	Q3	ARREST (PAL-W)		LCNM 88001	M14R2005-149	EXTRADITION
2005 Dec.	Q3	A3 MOLES ATTACKS		LCNM 88005	T94013 REPORT	PERJURY BY L. YOST
2006 Jan	Q3 & Q5	RELEASE ORDER		LCNM 88005	DISPATER 2006-002	NM JUDGE S.E. CAND - GARCIA
2007 Oct. 10 We.	Q5	ARRANGEMENT	DEPT. 11 PLG	SDCA 92101	REQUEST DISCOVERY	NOT GUILTY
2007 Oct. 15 Mo.	Q5	(B. REVIEW DUE)	N/A	SDCA 92101	NOT SCHEDULED	VIOLATION OF DUE PROCESS
2007 Oct. 19 Fr.	Q5	FEL. DISP. CON.	DEPT. 35 N/A	SDCA 92101	NO APPEARANCE	VIOLATION OF DUE PROCESS
2007 Oct. 22 Mo.	Q5	(PRELIMINARY DUE)	N/A	SDCA 92101	NOT SCHEDULED	VIOLATION OF DUE PROCESS
2007 Oct. 30 Tu.	Q5	PRELIMINARY-LATE	DEPT. 35 MGW	SDCA 92101	ATTY. D. THOMPSON	DISMISSED 10 OF 16 CHARGES

(B01)

MEMORANDUM OF POINTS AND AUTHORITIES (MPA) SUBSTITUTION OF COUNSEL

"WHILE THE TRIAL COURT MAY NOT PROCEED WITH A CASE AGAINST A DEFENDANT BEFORE IT DETERMINES HIS COMPETENCE, IT MAY AND INDEED MUST PROMPTLY CONSIDER A MOTION FOR SUBSTITUTION OF COUNSEL WHILE COMPETENCY HEARING IS PENDING, WHEN THE RIGHT TO EFFECTIVE ASSISTANCE WOULD BE SUBSTANTIALLY IMPAIRED IF HIS REQUEST WERE IGNORED." (CAL APP 5 DIST 2005; PEOPLE V. SOLORZANO, 24 CAL RPTR. 3D 735, 126 CAL APP. 4TH 1063)

IN ALL CASES ENTITLED "STATE OF CALIFORNIA VS. GARRUCHA" COURT RECORDS SHOW WITHOUT DISPUTE THAT DEFENDANTS HAVE BEEN HIGH IQ SYSTEMS ANALYSTS AND COMMISSIONED DoD OFFICERS VIA ROTC AT SDSU IN 1984 (PMOS: TRANSPORT SYSTEM; SMOS: ADJUTANT-NCB). SINCE A HEAD INJURY IN 1997, WHEN Q4 WAS A CONTRACTED SOFTWARE DEVELOPER AT \$50 PER HOUR, AT LEAST 7 YEARS OF MEMORY RECOVERY HAD OCCURRED BY THE TIME OF THE 2002 FEB 25 ARREST THAT RESULTED IN JUSTICE 2000 (J2K) CASE # SCD 165856. SEVERAL MONTHS OF COMPETENCY EVALUATION FOR PSH RESULTED IN A COMPETENCY REPORT. A SIMILAR PROCESS OCCURRED IN J2K CASE # SCD 182951. UNFORTUNATELY THE DELAYS RESULTED IN Q4 NOT BEING ABLE TO COMPILE THE N3-TARS DATA TO PREVENT THE 2003 CA WILDFIRES AND THE 2005 KATRINA FLOODS. SINCE Q4 HAD DEFENSE COUNSEL IN BOTH CASES WITH NO PROPER SECURITY CLEARANCE THERE WAS A CONFLICT OF INTEREST (COI). SO WHAT WERE LEGAL ACTS AUTHORIZED VIA RESEARCH NDA AND POA CONTRACTS RESULTED IN LEGAL MALPRACTICE PLEAS DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL (IAC)

AS OF 2005 THE J2K PROJECTS DECLASSIFIED TO CONFIDENTIAL SECRET (CS-NTK) SO NM JUDGE S.E. CANO-GARCIA REVIEWED CS-NTK DATA THAT RESULTED IN HER ORDER TO RELEASE DEFENDANT Q3 WHO WAS AT KATRINA FLOODS WITH Q5. (NM:MI4ER 2005-149/D307ER 2006-002; MI4FR 2006-044/D307CR 2006-341, 641)

MEMORANDUM OF POINTS AND AUTHORITIES (MPA) FALSE CONVICTIONS

AUTHORITIES:

"IN ALL OF OUR TRADITIONAL EFFORTS TO PROTECT THE INDIVIDUAL AGAINST OPPRESSION AND FALSE CONVICTION BY THE STATE, WE HAVE RELIED BASICALLY AND PRIMARILY ON CONFRONTATION AND CROSS-EXAMINATION... WITHOUT RECOURSE TO THESE MEANS, IT IS IMPOSSIBLE FOR ANYONE ACCUSED OF ANYTHING TO PROTECT HIMSELF FULLY AGAINST ENEMIES WHOSE EVIDENCE MAY CONSIST OF NOTHING MORE THAN MALICE, VINDICTIVENESS, MISTAKEN IDENTITY, INTOLERANCE, PREJUDICE, OR A PERVERTED DESIRE TO DESTROY..." (PETERS V. HOBBS, 349 U.S. 331, 350; 75 S. CT. 790, 799, 800; 99 L. ED. 1129)

INCIDENT:

IN 2007, MIC DEFENSE CONTRACTORS: Q3 AND TWIN OF QUINTUPLETS Q5 HAD BEEN TESTING 24-HRS TARS AT BORDER STATES. THEY HAD THE DATA OF A3 TERRORISTS-WILDFIRES-ARSONISTS-PERPS (TWAP) SO NM JUDGE S.E. CANDO-GARCIA ORDERED THEIR RELEASE. THE LCPD WAS TOLD BY THEIR DA THAT Q3 COULD NOT BE ARRESTED AND EXTRADITED FOR Q4, WHO HAD A PAROLE AT LARGE (PAL) WARRANT AT CA, DUE TO RULINGS IN 6 OF 6 NM CASES. BUT DUE TO MALICE FOR BEING SUED, LCPD L221 DETECTIVE J.J. FERGUSON SEARCHED AND FOUND Q5 WHO WAS CONDUCTING MIC ORIENTATION MEETINGS FOR MICROSOFT.COM/MINDSHARE AT THE LAS CRUCES LIBRARY. WHEN Q5 INFORMED FERGUSON HE WAS NOT THE Q4 BROTHER WANTED AT CA AND SHOWED HIM HIS TRUE-ID TO ASK FOR WHERE FERGUSON PUT THE MISSING MIC KEYS TO CLASSIFIED OFFICES, Q5 WAS ARRESTED ANYWAY. WHEN NM JUDGE MARTIN ORDERED ANOTHER IDENTITY HEARING FOR Q5, FERGUSON'S CONTEMPT OF COURT USED A GOVERNOR'S WARRANT ALREADY DISMISSED BY JUDGE CANDO-GARCIA TO GET CA-CPT. OLIVERA TO KIDNAP Q5 TO CA.

CAUSE OF ACTIONS:

AT THE 2007 OCT. 10 ARRESTMENT ATTORNEY DUKOVIC WAS TOLD TO ASK FOR A BAIL REVIEW/OR RELEASE ORDER HEARING SO THAT Q5 CAN COMPLETE CLASSIFIED DATA TO PREVENT 2007 WILDFIRES. Q5 ASKED THAT NO RIGHTS ARE WAIVED. BUT DUKOVIC'S LACK OF CLASSIFIED CLEARANCE RESULTED IN WILDFIRES THAT COULD HAVE BEEN PREVENTED.

On 6/6/07, Inmate Noel Garrucha, T94013, was scheduled to be extradited from Dona Ana County Jail in Las Cruces, New Mexico. At approximately 0115, Garrucha willfully resisted staff by refusing to be placed in mechanical restraints. Specifically, Agent H. Hall ordered Garrucha to stand up and place his hands behind his back. As Agent Hall took control of Garrucha's left wrist to place him in handcuffs, he started to resist by flailing his hands above his head. Agent Johnson took control of Garrucha's right hand while Hall maintained control of his left hand. Captain Oliva simultaneously took control Garrucha's upper body from the rear. At this point Johnson and Hall raised Garrucha's hands above his head to allow Lieutenant Armstrong to place the waist chain around Garrucha's waist. After the waist chain was applied, Armstrong, secured the handcuffs to the waist chain and with the assistance of Hall and Johnson, placed Garrucha in the handcuffs.

Hall gave several orders to Garrucha to kneel down, to allow the application of leg irons. Garrucha refused all of Halls orders and continued to be resistive. Armstrong, who had a hold of Garrucha's right arm and the upper back area of his shirt, forced Garrucha to his knees. Oliva, Hall and Johnson applied the leg irons. Garrucha was helped to his feet and complied during the escort out of the jail and to the sally port.

Garrucha complied with Hall's order to sit in the front seat of the rental vehicle. However, as Hall attempted to place the seat belt around Garrucha, he attempted to exit the vehicle. Oliva, who was positioned directly behind the passenger's seat, took control of Garrucha, by the shoulders, and pulled him back into the seat. Garrucha continued to resist Hall and Oliva's attempts to place the seat belt around him. Oliva ordered Hall and Johnson to remove Garrucha from the vehicle and be placed in the Body Guard Restraint System. Oliva, Hall and Johnson removed Garrucha from the vehicle and placed him on his stomach to apply the Body Guard Restraint System. Armstrong controlled Garrucha's upper body by applying pressure to his upper back area. As Oliva, Hall and Johnson secured him in the Body Guard, Garrucha was resisting by rolling his body and head from side to side while positioned face down on a cement floor. His resistive actions caused several small abrasions to his forehead, arms and knees. Garrucha was secured and placed in the back of the rental van and transported to R. J Donovan without further incident.

Reporting Employee: Lt. S. Armstrong
Extradition Lt, S/S/H

[EXHIBIT 2007F06]